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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision in connection with the implementation of Council Directive 2003/122/EURATOM (OJ L 346, 31.12.2003, p.57) on the control of high-activity sealed radioactive sources and orphan sources (the HASS Directive) and make relevant amendments to the Radioactive Substances Act 1993 (c. 12) (the 1993 Act). They apply to the whole of the United Kingdom save regulation 5 that applies to England, Wales and Scotland.

High-activity sources as defined in Article 2 of the HASS Directive are radioactive material within section 1 of the 1993 Act and as such are regulated under that Act. High-activity sources for the purposes of these Regulations and the amendments made to the 1993 Act by these Regulations do not include such sources once their activity level has fallen below the exemption levels specified in column 2 of Table A to Annex I to Council Directive 96/29/EURATOM (OJ L 159, 29.6.1996, p.1) laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation (the Basic Safety Standards Directive). High-activity sources first placed on the market on or before 31st December 2005 are referred to in these Regulations as existing high-activity sources.

Regulation 3 provides for applications for variation of registrations under the 1993 Act concerning high-activity sources. The Environment Agency, the Scottish Environment Protection Agency or the chief inspector will consider if any variation of the registration is required to comply with the HASS Directive. Failure to make an application as required shall mean the registration is revoked so far as it relates to the high-activity source in question.

Regulation 4 provides for variation of authorisations under the 1993 Act in a similar way to variations required in relation to registrations under regulation 3.

Regulation 5 applies to England, Wales and Scotland and provides that the Environment Agency or the Scottish Environment Protection Agency may exercise their powers under any enactment in connection with the prevention of unauthorised access to, or loss or theft of high-activity sources and other sources which, in their opinion, are of a similar level of potential hazard to high-activity sources, notwithstanding that the control of pollution is not the primary or only purpose for which the powers are exercised.

Regulation 6 imposes requirements in relation to premises where high-activity sources and other sources (which, in the opinion of the Environment Agency, the Scottish Environment Protection Agency or the chief inspector, are of a similar level of potential hazard to high-activity sources) will be kept, used, disposed of or accumulated.

Regulation 7 provides for the appropriate Agency and chief inspector to keep various records and to establish or maintain a system of inspections to enforce the provisions of the HASS Directive.

Regulation 8 provides for specialised technical advice and assistance to be made available in connection with the presence of orphan sources.

Regulations 9 to 14 make minor amendments to the 1993 Act in relation to the HASS Directive.

Regulation 15 inserts section 23(6) into the 1993 Act. It provides that in Northern Ireland, where the Department of the Environment makes directions under section 23 of the 1993 Act for the purpose of implementing provisions of the HASS Directive, the Department must follow certain procedural requirements in relation to those directions. It is intended that directions will be made as soon as possible after these Regulations come into force.

*Status: This is the original version (as it was originally made).*

Regulation 16 inserts section 30A into the 1993 Act to provide for the Environment Agency, the Scottish Environment Protection Agency or the chief inspector to comply with Article 9(1) of the HASS Directive in relation to the recovery of orphan sources. It also provides that sums may be provided to them for the costs and expenses of recovery and disposal of orphan sources where the sums required to do so exceed the reasonable provision for such costs and expenses.

Regulation 17 inserts additional definitions in section 47 of the 1993 Act, including the insertion of subsection (5A). That subsection provides that in relation to the regulation of high-activity sources under sections 7 and 10 of the 1993 Act, the keeping or use of those sources shall mean any practice concerning those sources, except their disposal or accumulation. The disposal or accumulation of high-activity sources is a matter for authorisation under sections 13 or 14 of the 1993 Act. The expression “any practice” is defined in the Basic Safety Standards Directive.

Regulation 18 inserts “the HASS Directive”, “high-activity source” and “orphan source” into the index of defined expressions in section 48 of the 1993 Act.

Regulation 19 provides that the requirements for appropriate training of, and adequate information to be given to, employees and other persons concerning ionising radiation under regulation 14 of the Ionising Radiations Regulations 1999 ([S.I.1999/3232](#)) and regulation 14 of the Ionising Radiations Regulations (Northern Ireland) 2000 ([S.R. 2000/375](#)) shall include the training and information requirements in Article 8(1) of the HASS Directive. Notice of this regulation will be given on the websites of the Health & Safety Executive ([www.hse.gov.uk](#)) and the Health & Safety Executive for Northern Ireland ([www.hseni.gov.uk](#)).

A full Regulatory Impact Assessment of the effect that this instrument will have on the costs of business, and a transposition note, have been prepared and are available from Dr Martin Hum, Department for Environment, Food and Rural Affairs, Zone 3/H25, Ashdown House, 123 Victoria Street, London SW1E 6DE.